

1 John R. Barhoum, WSBA No. 42776
2 Email: john.barhoum@chockbarhoum.com
3 Chock Barhoum LLP
4 121 SW Morrison Street, Suite 500
5 Portland, OR 97204
6 Telephone: (503) 233-3000
7 Attorneys for Defendant
8

9 IN THE UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 TACOMA DIVISION

11 NANCY PRICE, an individual,
12 Plaintiff,
13 v.
14 WALMART, INC., a Delaware Corporation,
15 Defendant.

Civil Case No. 2:20-cv-01331

**DEFENDANT'S NOTICE OF
REMOVAL OF ACTION**

JURY TRIAL REQUESTED

16
17 PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441, § 1446, and § 1332(a),
18 Defendant Walmart, Inc. ("Defendant") removes this action from the Superior Court of the State
19 of Washington for the County of Clark to the United States District Court for the Western District
20 of Washington, Tacoma Division.

21 **RELEVANT FACTS**

22 On July 17, 2020, Plaintiff filed a lawsuit against Defendant, captioned *Nancy Price v.*
23 *Walmart Inc.*, Case No. 20-2-01416-06, filed in the Superior Court for the State of Washington for
24 the County of Clark. A true and accurate copy of the Complaint is attached hereto as Exhibit A.
25 True and accurate copies of the Summons is attached as Exhibit B to the Declaration of John R.
26 Barhoum ("Barhoum Dec."), filed concurrently herewith. On July 21, 2020, Plaintiff served
27 Defendant with the Summons and Complaint for Money Damages. A true and accurate copy of

1 the Return of Service is attached to the Barhoum Dec. as Exhibit D. Defendant filed a Notice of
2 Appearance on July 24, 2020 that is attached the Barhoum Dec. as Exhibit C. These documents,
3 taken together, constitute all process, pleadings, and orders served on Defendant in that action up
4 to the present date. In an email dated August 6, 2020, Plaintiff's attorney provided written
5 confirmation that Plaintiff's claim for relief against Defendant exceeds \$75,000. *See Barhoum*
6 *Dec., Ex. E.*

7 **GROUND FOR REMOVAL**

8 Pursuant to 28 U.S.C. § 1441(a), a defendant may remove an action filed in the state court
9 to the United States District Court if the district court has diversity jurisdiction over the action.
10 This action is one over which the district court has diversity jurisdiction under 28 U.S.C. §
11 1332(a)(1). The grounds for removal of this action are:

12 1. Plaintiff's principle claims for relief against Defendant exceed \$75,000. In an email
13 dated August 6, 2020, Plaintiff's attorney provided written confirmation that Plaintiff's claim for
14 relief against Defendant exceeds \$75,000. *See Barhoum Dec., Ex. E.*

15 2. Plaintiff and Defendant are residents of different states. Plaintiff is a resident of
16 Clark County, Washington. *See Complaint ¶1.* Defendant is incorporated and has a principal
17 place of business in another state (Benton County, Arkansas). *See Complaint ¶1; see also*
18 *Defendant's Corporate Disclosure Statement (being filed concurrently).* Defendant is
19 headquartered with its principal place of business in Bentonville, Arkansas, *Complaint ¶1; see also*
20 *Defendant's Corporate Disclosure Statement (being filed concurrently).* Therefore, the United
21 States District Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

22 3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as less than 30
23 days have elapsed since Plaintiff has provided notice to Defendant that Plaintiff's claim for relief
24 against Defendant exceeds \$75,000 (in email correspondence dated August 6, 2020), following
25 service of the Summons and Complaint on Defendant on July 21, 2020. A copy of the Service of
26 Process Transmittal received from Defendant's authorized registered agent for service of process
27 is attached to the Barhoum Dec. Exhibit C. *See Barhoum Dec., Ex. E.*

4. No further proceedings have occurred in the Superior Court of the State of Oregon for the County of Clark as of the date of this removal other than outlined herein.

5. Counsel for Defendant will file a copy of this Notice of Removal with the Clerk of the Superior Court of the State of Washington for the County of Clark and will give notice of the same to Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant prays that this action be removed from the Circuit Court for the State of Washington for the County of Clark and placed on the docket of the United States District Court for the Western District of Washington in the Tacoma Division.

Dated this 4th day of September, 2020.

CHOCK BARHOUM LLP

John R. Barhoum, OSB No. 045150
Email: john.barhoum@chockbarhoum.com
Attorneys for Defendant Walmart

1 John R. Barhoum, WSBA No. 42776
2 Email: john.barhoum@chockbarhoum.com
3 Chock Barhoum LLP
4 121 SW Morrison Street, Suite 500
5 Portland, OR 97204
6 Telephone: (503) 233-3000
7 Attorneys for Defendant

8 IN THE UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

10 NANCY PRICE, an individual,

11 Plaintiff,

12 v.

13 WALMART, INC., a Delaware Corporation,

14 Defendant.

Civil Case No. 2:20-cv-01331

CERTIFICATE OF SERVICE

15 I hereby certify that a true copy of the foregoing **DEFENDANT'S NOTICE OF**
16 **REMOVAL OF ACTION** was served on:


17 Allen J. Kim, WSBA #42015
18 The Law Offices of Allen J. Kim, PLLC
19 800 N Devine Road
20 Vancouver, WA 98661
21 Attorneys for Plaintiff

- ☐ By hand delivery
☐ By first-class mail*
☐ By overnight mail
☐ By facsimile transmission
Fax #:
☒ By e-mail
allenkimlaw@gmail.com

22 *With first-class postage prepaid and deposited in Portland, Oregon.

23 Dated this 4th day of September, 2020.

24 **CHOCK BARHOUM LLP**

25 
26 John R. Barhoum, WSBA No. 42776
27 Email: john.barhoum@chockbarhoum.com
Attorneys for Defendant Walmart, Inc.

CERTIFICATE OF SERVICE - SOLO